

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA**

STATE OF LOUISIANA, *et al.*,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States of  
America, *et al.*,

*Defendants.*

CIVIL ACTION NO. 22-cv-1213

**DEFENDANTS' RESPONSE TO PLAINTIFFS'  
MOTION FOR AN ENLARGEMENT OF TIME**

Defendants file this brief response to Plaintiffs' Motion for an Enlargement of Time to File their Reply Brief in Support of Their Motion for a Preliminary Injunction (Motion). Defendants typically consent to requests for enlargements of time as a matter of course as a professional courtesy. Plaintiffs' requested enlargement here, however, would substantially prejudice Defendants because it would result in virtually no time to review and analyze Plaintiffs' reply brief (and any related submissions) before the preliminary injunction hearing currently set for May 26, 2023. Accordingly, to avoid that prejudice, Defendants are constrained to oppose Plaintiffs' Motion, unless a short continuance of the preliminary injunction hearing is granted to allow Defendants an adequate opportunity to review Plaintiffs' reply brief and any supporting submissions, and to prepare for the hearing.

Under the current schedule, Plaintiffs' reply brief is due on May 17, 2023. That schedule would give Defendants eight days to review and analyze Plaintiffs' reply brief in preparation for the upcoming hearing. Plaintiffs seek an enlargement of time to file their reply brief on May 23,

2026. Plaintiffs contend that if their extension is granted the Court and the parties will have three days before the scheduled preliminary injunction hearing to review their filings. But assuming they file their reply papers on the evening of May 23, and considering that counsel for Defendants will be traveling from Washington, D.C. all day on May 25, 2023, Plaintiffs' proposed enlargement of time would mean that, as a practical matter, Defendants will have little, if any, time to review and analyze Plaintiffs' reply papers before the hearing. To avoid the substantial prejudice resulting from Plaintiffs' request, and to ensure that Defendants have sufficient time to fully prepare for the preliminary injunction hearing, Defendants respectfully request that the Court reschedule the hearing for a date after June 1, 2023.

Moving the preliminary injunction hearing by a minimum of seven days will not substantially prejudice Plaintiffs, whose motion for a preliminary injunction has been pending for almost a year. If the Court does not conclude that a brief continuance of the hearing date beyond June 1, 2023 is appropriate, then Defendants respectfully request that the Court deny Plaintiffs' Motion, because the enlargement they request would substantially prejudice Defendants' ability to adequately prepare for the preliminary injunction hearing.

Dated: May 16, 2023

Respectfully submitted,

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